

REMARKS

Claims 59, 63-72, and 75-78 were pending in the application. By this paper, claims 64 and 75 have been amended, claim 70 has been canceled, and claims 59, 63-69, 71, 72, and 75-78 remain pending. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §102(e)

Claims 64, 66, 67, 70, and 71 have been rejected as anticipated by Kain, U.S. Patent No. 6,550,862 (Kain). The applicants respectfully request reconsideration of the rejection in view of the amendments. Independent claim 64 has been amended to recite that the object holder includes an end portion forming a cavity. Claim 64 has also been amended to recite that when the object holder is in the retracted position, a first part of the end portion is received within the base and located under the seating surface with one section of the cavity inaccessible as a gripping surface. Amended claim 64 also recites that a second part of the end portion extends beyond the outer side surface of the base with another section of the cavity accessible as a gripping surface. Kain clearly fails to show this structure.

Kain discloses a child seat with a base (16), a seating surface (12), and an object holder (18) with an end portion that forms a cavity to hold an object. The Kain end portion is identified as cup receiver (20). The cup receiver (20) is shown in the fully retracted position in Fig. 1. In this retracted position no part of the cup receiver (20) or the cavity is received within the base and located under the seating surface (12). The cup receiver (20) and cavity remain completely outside of the base (16) so that the entirety of the cup receiver (20) remains accessible as a gripping surface. In fact, Kain specifically describes that even in the fully retracted position the cup receiver (20) is spaced from the base (18). The Examiner's attention is directed to Fig. 4 of Kain and the description starting at paragraph 4, line 64, extending to paragraph 5, line 7. Kain shows and describes that the cup receiver (20) is spaced from the base (18) in the retracted position as illustrated by the left-most dimension line of distance (84). Kain further shows and describes that the cup receiver (20) is spaced a greater distance from the base (18) in the extended position as illustrated by the right-most dimension line of distance (84).

Page 2 of the outstanding office action states that Kain teaches an object holder (18) in a retracted position so that a second portion of the cavity is retracted within the base (16). The applicants respectfully submit that this reading of Kain is in error. Again, the Examiner's attention is directed to Fig. 4 of Kain. The left-most dimension line of distance (84) represents the innermost point of the cavity of the cup receiver (20) in the retracted position. Figure 4 of Kain clearly shows that, in the retracted position, the cavity is located entirely outside of the base (18) and is not located within the base (18) and under the seating surface (12) as claims 64 and 75 require. Therefore, the applicants respectfully submit that Kain does not teach or suggest all of the limitations of claims 64, 66, 67, and 71, as presented.

Claim Rejections - 35 U.S.C. §103

Claims 68, 69, and 75-78 have been rejected as being obvious in view of the combination of Kain and Lancaster, U.S. Patent No. 5,876,007 (Lancaster). The applicants respectfully request reconsideration of this rejection in view of the amendments. Independent claim 75 recites first and second object holders and has been amended regarding the respective object holders in a manner similar to claim 64. Page 3 of the office action states that Kain discloses all of the claimed invention except for the use of a second object holder. The action cites Lancaster for the teaching of first and second object holders. As pointed out above Kain fails to disclose each and every claimed element, such as the position of the cavity section when retracted. The above arguments regarding Kain are equally applicable here. Lancaster does not overcome the deficiencies of Kain and the combination of Kain and Lancaster would not result in the invention as claimed. The applicants respectfully submit that claims 68, 69, and 75-78, as presented, are patentable over the combination of Kain and Lancaster.

CONCLUSION

Claims 64, 66-69, 71, and 75-78 are believed to be in condition for allowance. Withdrawn claim 65 depends from an allowable base claim and should be reinstated and allowed. Withdrawn claims 59, 63, and 72 each recite a "pivotal" object holder, but also recite similar retracted cavity limitations discussed above. These claims are allowable in view of the allowable amended claims herein, which are generic to whether the cup holder pivots or slides. Thus, these claims should also be reinstated.

Reconsideration and allowance of claims 64, 66-69, 71, and 75-78 and reinstatement and allowance withdrawn claims 59, 63, 65, and 72 are respectfully requested. The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time.

Respectfully submitted,



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